UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.16/Add.1
22 April 1992

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 16th MEETING (SECOND PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 6 February 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

later: Mr. NASSERI (Islamic Republic of Iran)

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* The summary record of the first part of the meeting appears as document E/CN.4/1992/SR.16.

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GE.92-11913/4425B

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1. Mr. CHABALA (Zambia), speaking on agenda items 7 and 8, stressed the interdependence of human rights as an essential factor in the realization of human rights, as indicated in the reports before the Commission, and the fact that those rights could not be made effective without a favourable international climate. That was consistent with article 28 of the Universal Declaration of Human Rights, paragraph 19 of the report of the Secretary-General on the effective implementation of the Declaration on the Right to Development (E/CN.4/1992/10) and paragraph 206 of the report of Mr. Türk, Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17).

2. Both reports expressed the hope that the recent favourable international climate, which had fostered the process of democratization and civil and political rights, would also have a positive influence on economic, social and cultural rights. His delegation appealed to the developed countries to demonstrate the necessary political will to facilitate the realization of those rights in the developing countries.

3. It also believed that the right to development could benefit from the democratization of the prevailing system of international economic relations. By highlighting the need for a favourable economic order, his delegation did not intend to justify the non-fulfilment of States' obligations to realize economic, social and cultural rights and to implement the right to development at the domestic level. In that regard, the role of national initiatives was critical, especially popular and democratic participation in the development process, which was indispensable.

4. Guaranteed property rights favoured development and the utilization of human resources, and, as indicated in the preliminary report on the right of ownership (E/CN.4/1992/9), that right might foster the widespread enjoyment of other human rights and the attainment of the goal of economic and social development (para. 52). The right of access to property was particularly

relevant to women in developing countries, who were the major producers of food but often did not enjoy access to property and were therefore prevented from participating fully in national life, becoming integrated into the development process and improving their status in society. The advancement of women to a position of parity with men was a moral question and an end in itself, and a matter of interest to society as a whole. Those issues lent urgency to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by the States parties and highlighted the need for Governments that had not yet done so to ratify it.

5. The Special Rapporteur on the realization of economic, social and cultural rights, Mr. Türk, had dealt comprehensively with the impact of structural adjustment on the realization of economic, social and cultural rights, and Zambia supported the analysis, conclusions and recommendations contained in the report (E/CN.4/Sub.2/1991/17). It was obvious that structural adjustment continued to have a significant adverse impact on the realization of economic, social and cultural rights in terms both of people's ability to exercise those rights and of Governments' capacity to fulfil and implement them. In addition, human rights concerns continued to be conspicuously underestimated in the adjustment process (para. 195). It was also imperative to ensure the inclusion in adjustment programmes of poverty alleviation and other measures aimed at protecting vulnerable and disadvantaged groups, notably the poor, women and children, who continued to bear the brunt of the negative impact of adjustment, particularly in sub-Saharan Africa and Latin America (para. 200). Another appealing recommendation was that a unified approach to adjustment was imperative within the United Nations system (para. 198), including the international financial institutions such as the International Monetary Fund and the World Bank. In that connection, his delegation supported the suggestion that there should be more direct cooperation between United Nations human rights bodies and the international economic and financial institutions (paras. 230 and 232). Finally, his delegation supported the recommendation to request the Secretary-General to organize a seminar to consider the question of appropriate indicators.

6. Mr. MEZZALAMA (Italy), speaking on agenda items 15 and 16, said that the gradual increase in the number of States acceding to or ratifying international human rights instruments was very encouraging, for it proved that States were aware of the value of such instruments in the international order. It was thus crucial for the United Nations, especially the Centre for Human Rights at Geneva, to continue to help States that had not yet acceded to the Covenants to overcome the difficulties they had in doing so. Nevertheless, a State that had not acceded to the Covenants could not consider itself as exempt from respecting universally protected rights, in view of the changes observed since the dissemination of the Covenants and other human rights instruments and the development of international law as it affected individuals.

7. At the current time, international law protected the individual as such, independently of his or her nationality, and it was noted that no State could in practice afford to fail to respect human rights under the pretext that it had not formally acceded to human rights instruments. According to a process that had become a constant in the international legal system, conventions

governing the general interests of the international community and States tended to become customary, and therefore universal, rules, and that was particularly true in the field of human rights, the defence of which was considered a matter of priority by the community of States. The obligatory nature of the system for protection of human rights as well as its universality allowed no State to allege so-called interference in its internal affairs in order to avoid implementing the principles of that system.

8. In the light of those considerations, his delegation believed that efforts should continue, on the one hand to increase the number of accessions to the International Covenants and on the other to ensure that States would be fully aware that the fundamental rules in the field of human rights entailed both rights and obligations, independently of explicit acceptance of the Covenants.

9. A consideration of the status of the International Covenants could not be complete without a reference to the functioning of the treaty-monitoring bodies, which were their operational arm and played a central supervisory role, in the absence of a legal organ competent in the area of human rights violations. In that connection, an international high court of human rights should eventually be established, based on the European Court of Human Rights, which had been operating for years. His delegation believed that the treaty-body mechanism, which had had several gaps, had improved considerably, and remarkable progress had been made, in particular in the framework of the Human Rights Committee which had made some changes in its working methods to improve its efficiency. The increasingly numerous accessions to the Optional Protocol to the International Covenant on Civil and Political Rights opened up new perspectives in the area of the Committee's decisions and practice.

10. The growing coordination among the six existing committees and the introduction of common guidelines for drafting reports helped facilitate the task of the signatory States and the reading of reports, which could not fail to be productive on the whole. Finally, the introduction of word processing, which appeared imminent, would make it possible further to simplify and modernize working methods and to refine a mechanism that was one of the pillars of the impressive legal edifice for the protection of human rights.

11. Mr. NASSERI (Islamic Republic of Iran) said that the right to development represented a qualitatively higher level of understanding of the concept of social progress, which encompassed all fields of human life. Although the importance of the subject could hardly be overemphasized, it had fallen victim to the self-serving ideological rhetoric of the cold war protagonists. However, there now seemed to exist a favourable climate for objective, forward-looking and action-oriented discussions. In the past, the right to development had been misused and manipulated by an inherently ineffectual system to camouflage its internal institutional shortcomings.

12. The current vendetta against the legitimacy of the right to development was based on a false argument: which came first, democracy or development? That argument was fallacious, for respect for human rights was inseparable from development: the attainment of either depended on and strengthened the other. Genuine development, or overall upward movement across society, was

an essential requirement for meaningful popular political participation and genuine observance of human rights. That was a dynamic process based on constant interaction among its various constituents.

13. However, what now begged a satisfactory and convincing explanation was the fact that although most countries followed economic policies based on market forces, the attainment of development seemed to be out of reach. Many developing countries had adopted structural adjustment policies, improved their management and combated internal corruption, despite which their development was arrested. A good number of those countries had opted for the free-market panacea, only to be disillusioned by an unfavourable external environment. In addition, the trade, financial and monetary policies of the developed countries were considered to be responsible for the poor economic performance of the developing world at large. It was now recognized that sustainable development for most of the world would be attained only through a major overhaul in macroeconomic policies at the world level.

14. It went without saying that the major responsibility rested with the developed countries. The developing countries were not looking for hand-outs, however, but fair play in the world economy, for competition, the basis of the market economy, was effectively hampered by the ever-growing burden of protectionism. Reversal of protective trade policies and removal of obstacles to the transfer of technology were among the priority areas of needed action.

15. Discussion in the Commission on the right to development did not need to involve detailed economic analysis. Presentation to the Commission of well-researched economic studies and analyses by such competent organs as UNCTAD could provide it with the needed information. What was incumbent on the Commission was to recognize the right to development as a fundamental right and to work towards refining the content of the right and the obligations it should imply. Its policy might be two-pronged: first, to devise and codify an appropriate instrument governing the observance of general principles applicable to the right to development, and second, to devise and elaborate the practical ways and means to ensure accession. On that basis, the question of the right to development as a human right deserved to remain on the Commission's agenda with a view to a deeper analysis, and it should also be placed on the agenda of the 1993 World Conference on Human Rights.

16. Mr. PRAKASH SHAH (India), speaking on agenda items 7 and 8, congratulated the Secretary-General for properly focusing the debate on the right to development in his report on the effective implementation of the Declaration on the Right to Development (E/CN.4/1992/10), by stating that the right to development was a right that ensured respect for all fundamental rights, whether economic, social and cultural or civil and political. The conclusions and recommendations set out in the report would give the Commission and other United Nations bodies a basis for taking specific decisions.

17. At a time when the Western world was becoming Eurocentric and concerned primarily with military aspects of security, it was particularly opportune for the Commission to emphasize the importance of development for the promotion of human rights everywhere. To his delegation, development had to enable human

beings to lead lives of dignity and fulfilment; it was a process achieved through the participation of the people and its first objective must be to end poverty, produce productive employment and satisfy people's basic needs. Development presupposed a democratic structure of government, support for individual freedoms and a system of justice that protected all people from actions inconsistent with laws that were known and publicly accepted.

18. The traditional approach to human rights had been to consider separately civil and political rights on the one hand and economic, social and cultural rights on the other. However, true development required the recognition that all human rights were inseparable from each other and that development was inseparable from human rights and the rule of law. His delegation underlined the importance of the right to development, not for justifying any curtailment of rights, but to recognize that human beings had the right to a life of decency and dignity. How meaningful could democracy be if it could not meet human beings' food, shelter, health, literacy and employment needs? How long could democracy survive and how effective was the constitutional right to free expression if a human being had neither the time nor the physical or mental strength to exercise those rights?

19. There were those who argued that the right to development had no legal foundation. India considered the Declaration on the Right to Development to be one of the most important initiatives of the United Nations towards innovative codification, since it provided that essential right with legal recognition. At the national level, development was an obligation of Governments, not only towards society, but also towards individuals. Those who would wish to use United Nations bodies to ensure the enjoyment of civil and political rights by all persons everywhere had a corresponding de facto duty to create conditions and provide assistance to those countries and peoples whose right to food, shelter and education was not yet fulfilled. There was no point in creating new machinery for humanitarian intervention or punishing countries which did not have the necessary economic conditions for enjoyment of civil and political rights by their people if the United Nations or its richer Members were not prepared to improve the external economic environment or provide the necessary financial resources or access to the markets needed to create conditions for development. The United Nations and the Commission on Human Rights could not confine themselves to monitoring observance of civil and political rights while ignoring action on economic, social and cultural rights.

20. It was in that context that his delegation supported some of the recommendations contained in the Secretary-General's concrete proposals (E/CN.4/1992/10), in particular the idea of appointing a high-level committee of independent experts in the field of human rights and development to report annually to the General Assembly on progress made in the implementation of the Declaration on the Right to Development (para. 67). It was time to move forward from declaratory aspects to standard-setting and concrete action. His delegation stressed the importance of distributing the Declaration widely in as many languages as possible, together with explanations and commentary accessible to the general public. Although it realized that international action was not a substitute for action at the national level, India believed that it was an essential complement to national efforts and that both types of action were necessary.

21. Mr. PINTA GAMA (Brazil) said that his delegation was interested by the documents submitted to the Commission under agenda items 7 and 8, in particular the preliminary conclusions submitted by the Special Rapporteur, Mr. Türk (E/CN.4/Sub.2/1991/17, paras. 229-236), and the report of the Secretary-General (E/CN.4/1992/10). Discussions on the right to development since 1986 had highlighted the interdependence and indivisibility of human rights and the consequences of the lack of effective achievement of economic, social and cultural rights on the enjoyment of civil and political rights. Reference should perhaps be made to the relationship between illiteracy and freedom of expression, between the right to a healthful diet and the right to life, between the right to proper housing and the right to privacy, between health and freedom of movement.

22. His delegation hoped that the role of international cooperation in the field of human rights would be strengthened at the World Conference on Human Rights, whose discussions should, in its opinion, focus on the relationship between human rights, democracy and development and on the need to consider the viewpoint of the developing countries, which were making every effort to improve their pluralistic and democratic institutions despite difficulties of all kinds. The question of the right to development should not be a point of difference between the countries of the North and the South, but should rather serve as an area of agreement between countries with different levels of development, eager to work constructively towards the protection and promotion of human rights. Brazil was convinced that the new atmosphere in international relations should foster progress to that end.

23. Defence of the right to development should in no case hinder the examination of violations of individual rights and fundamental freedoms, the protection of which was the very essence of the Commission's supervisory role. The right to development must be considered in specific contexts where social and economic conditions had a particularly negative impact on the enforcement, teaching and knowledge of human rights. In Latin America, for example, structural problems affecting most countries had a strong influence on the financing of State programmes in essential sectors such as education, health and housing, the lack of effectiveness of the police and judicial authorities and the increase in crime. It could not be denied that Governments were faced with a set of adverse social and economic conditions in the domestic sphere that fostered violations of human rights and fundamental freedoms. His delegation hoped that the Commission, at its forty-eighth session, would carefully examine the problems besetting the societies of the developing countries with democratic systems. From that perspective, his delegation would be submitting proposals on the strengthening of the rule of law in the framework of agenda item 11.

24. Mr. Nasseri (Islamic Republic of Iran) took the Chair.

25. Mr. MBARUSHIMANA (Observer for Rwanda), speaking on agenda items 7, 8 and 15, said that when Rwanda had ratified the two International Covenants on Human Rights, it had pledged to respect strictly all the obligations they entailed, as witnessed by the periodic reports it submitted regularly, reflecting the Government's efforts to promote and protect all human rights. The enforcement of human rights, the rule of law and democratic institutions were essential for establishing a propitious environment for improving the

welfare of the people of any country by permitting free expression of opinions and active participation in the development process. Against that background Rwanda had in June 1991 provided itself with a new Constitution enshrining a multi-party system, based on the lofty principles set forth in the Universal Declaration of Human Rights.

26. To his delegation, effective enjoyment of civil, political, economic, social and cultural rights, which formed an indivisible whole, presupposed that every human being had enough to eat, was in good health, and had decent housing and access to drinking water, i.e., that everyone enjoyed all the basic rights essential for a minimum of well-being. In short, full enjoyment of civil and political rights was impossible without enjoyment of economic, social and cultural rights. For that reason, the Rwandese Government had always aimed at implementing economic and social development policies that focused chiefly on the objective of food self-sufficiency and health care for all. Yet those policies had not yet produced the desired results, for Rwanda, despite strict management of its economy and foreign aid, had been hit by a world economic crisis characterized by a constant deterioration in the terms of trade, the collapse in the prices of raw materials (tea and coffee) and an increase in the burden of external debt.

27. In that connection, his delegation fully subscribed to the various observations and conclusions on the consideration of the right to development in economic and social development strategies and programmes and the obstacles hampering the effective implementation of that right. In its opinion, at the international level, economic policies should be adopted to reduce the gap between the economically developed countries and the less developed countries by ushering in a fairer and more equitable world economic order, which would provide remunerative and stable prices for commodities, free access to commodities on the world market, greater flexibility in the machinery for settling the debt problem and more active solidarity in the framework of international cooperation for development. At the national level, the process of political democratization and economic liberalism had come to Rwanda, which in November 1990 had adopted a broad-ranging structural adjustment programme. That programme was being implemented to the satisfaction of all parties concerned, and the Rwandese Government paid a tribute to all its bilateral and multilateral partners for their support.

28. However, his delegation wished to draw the Commission's attention to the persistence of the war imposed on his country since 1 October 1990 from Uganda, which risked seriously jeopardizing the implementation of that programme, owing to the extensive material damage it involved and to the closing of the Mombasa-Kigali road, which had been used for all Rwandese exports and imports. Rwanda appealed to the international community to help it obtain the reopening of that northern corridor, the closing of which could completely stifle the Rwandese economy and cause the structural adjustment programme to fail despite its promise. He hoped that the Commission would condemn the murderous aggression against the people of Rwanda, in conformity with its resolution 1991/29 of 5 March 1991.

29. In the framework of the democratization process under way, Rwanda had elaborated a new Constitution enshrining the multi-party system, and 12 political parties had already been authorized and were in operation.

In the near future the country would be holding local, legislative and presidential elections which would be free and democratic, and Rwanda invited the international community to lend it assistance in organizing and supervising the voting, the transparency of which the Rwandese Government was determined to guarantee.

30. Mgr. PIERRE (Observer, Holy See), referring to agenda item 8, said that the affirmation of the right to development, like that of the other human rights, helped to raise awareness, assess the often tragic conditions under which a large portion of humanity was still living and indicate that that right involved a duty. The Holy See was following with interest the studies on the question of development within the Commission itself and in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for they met its concern for the promotion of the dignity of all individuals and all human communities.

31. As a contribution to the Commission's efforts to study the nature and content of the right to development, his delegation was placing at its disposal a study containing the main positions of the Popes on the subject for the last 30 years. The principles on which they were founded were the basic unity of origin and common destiny of the human family, the equality with dignity among all persons and communities, the universal destination of the goods of the earth and the comprehensiveness of the concept of development, which must include growth towards a worthier life. The human person was at the heart of development and must participate freely in it. Finally, affluent persons and peoples had a responsibility to show solidarity with the disadvantaged.

32. That responsibility was first and foremost incumbent on the national authorities: they should promote the family, foster participation and promote democratic institutions and respect for all civil and political rights. But that was not enough, for societies that respected only civil and political rights often displayed distressing signs of poverty, destitution and marginalization affecting large segments of the population. International cooperation should also be encouraged, in order for there to be a genuine sharing at all levels: relations between rich and poor countries could not be guided by criteria of economic profitability alone, but by considerations of social justice which should enter into the trade, monetary and financial spheres of the international system. A new quality of interdependence based on dialogue was required, with special attention to the ethical aspects of economic questions, as in the case of external indebtedness. Finally, genuine development could not take place without an ecological balance, for overconsumption could also lead to extreme poverty.

33. The right to development was a moral concept which was awaiting its full legal expression. The Commission on Human Rights could and must look into the question of the extent of the social dimension of a human right and the content of the right to development. Other bodies would deal with the concrete implementation of that right by proposing appropriate policies and programmes to Governments, and the Catholic Church would lend its contribution to such an endeavour.

34. Mr. VELTHEIM (Observer for Finland), speaking on agenda items 15 and 16, said his delegation regretted that not all States had yet ratified the International Covenants and other human rights instruments (conventions) and the supervisory mechanisms for implementing them, and it believed that wide and democratic participation at the international, regional and national levels was of vital importance. In its view, international organizations, Governments and non-governmental organizations all had an important role to play in order to keep the reality confronted by individual human beings as their main concern in the implementation of the Covenants.

35. Yet there were many problems related to the implementation of the human rights instruments, in particular inadequacies in national reporting and reports that were at times incomplete, inappropriate and abstract. Another grave problem concerned the financing of the treaty bodies, and in Finland's view that burden should not be placed on the parties to the treaty concerned. Other solutions should be found to enable the committees to operate, and in that connection, his delegation emphasized the importance of the recommendations of the meetings of persons chairing the human rights treaty bodies to ensure regular budget funding for all those committees. It would also like to stress the importance of the chairpersons' meetings in general and it hoped that they could be arranged regularly every other year.

36. Further attention should be given to the publication of concise and analytical information on the deliberations, guidelines, overall procedure and substantive jurisdiction of the treaty bodies. That information should be widely distributed both internationally and nationally, especially to the public at large, and the role of the United Nations Information Centres and the national United Nations Associations should be emphasized in that context.

37. Regarding Finland's own experience, it had for some years had an advisory board on international human rights questions working in the context of the Ministry of Foreign Affairs, which through its work had strengthened its links with Parliament. All reports on the implementation of the human rights conventions would be published in Finnish and English and made widely available. In addition, the final version of the reports contained comments and observations made during open hearings between the responsible Government officials and representatives of different organizations and other interested circles. That practice had proved worthwhile.

38. In conclusion, his delegation would like again to stress the excessive gap between the recognized importance of human rights activities under the Charter of the United Nations and the everyday reality of the financial means allocated to their performance. The resources of the Centre for Human Rights needed to be increased.

39. Mr. SWEPSTON (International Labour Organisation (ILO)) said he would speak on ILO action in the area of economic, social and cultural rights and in particular the relationship between human rights standards and the technical assistance activities provided by the United Nations system, which ILO had joined in 1946. ILO's work in that area took two approaches. First, there were the standard-setting and supervisory mechanisms: the 172 Conventions

adopted by ILO had received some 5,600 ratifications, giving rise to the examination each year of some 2,000 reports by States and additional information submitted on them by ILO's non-governmental partners.

40. The second basic tool of ILO was its programmes of technical cooperation and assistance to member States, employers' and workers' organizations and other NGOs. ILO had taken special pains to ensure that the practical assistance provided was closely linked to the fundamental principles contained in its Constitution, which was not a simple task; ILO's goal was to ensure that the technical assistance it provided was principally oriented towards the implementation of the standards each country had ratified and the creation of an environment which would allow Governments to implement Conventions they had not been able to ratify. That cooperation must be provided in an atmosphere of full respect for the most fundamental rights protected by ILO standards, such as protection against discrimination, forced labour and child labour, protection of freedom of association and the rights of especially vulnerable groups such as women, children, migrant workers and indigenous and tribal peoples. ILO's experience in that field might prove useful to the rest of the United Nations system in its discussions of the links between human rights and development, which would certainly be an important item on the agenda of the World Conference on Human Rights in 1993.

41. ILO cooperated actively with the United Nations treaty bodies established to supervise the implementation of human rights standards, especially regarding economic, social and cultural rights, by submitting information to the treaty bodies on the results of ILO's own supervisory activities on relevant parts of reports by States and providing any other useful information at their request. ILO was in discussion with the newly created Committee on the Rights of the Child and was interested in more active collaboration with all the treaty bodies. If the different parts of the United Nations system which had adopted standards on similar problems could combine their efforts, more uniform results would be achieved and the burden on the system itself and on Member States would be diminished.

42. It was true that human rights were indivisible, and economic, social and cultural rights should not be given lower priority than civil and political rights. Many of the rights proclaimed in the International Covenants on Human Rights and the Universal Declaration of Human Rights were addressed in more detailed fashion in ILO Conventions and Recommendations. The obligations created under the ILO Conventions were of the same nature and gave rise to the same kinds of supervisory mechanisms and the same rights of employers' and workers' organizations to participate in their supervision.

43. Furthermore, most violations of human rights had a significant economic and social dimension. Discrimination was most often expressed through a denial of equal access to employment or to equal treatment in the workplace. The worst abuses of children often took the form of child labour, whether on small assembly lines or in child brothels or through child bonded labour. It was particularly important in the current time of change that the fundamental rights of working people and of ordinary citizens were not sacrificed in order to achieve political and economic goals. There was no contradication between respect for human rights which allowed people to conduct their economic and social life in dignity and safety and those which allowed them to vote freely

and to combine for political purposes. Nor was there necessarily a contradiction between the demands of structural adjustment and the protection of fundamental human rights. The full examination of that subject was urgent and required a broadly based discussion which should include the financial agencies of the United Nations system as well as the supervisory bodies.

44. Mr. Solt (Hungary) resumed the Chair.

45. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples), referring to agenda item 8, said that there was a link between delayed development and the development of racism. Thus the term "underdevelopment" had been eliminated from official documents out of fear of racist interpretations. Although in the United Nations and the non-governmental organizations working in the field many experts were giving attention to those questions and efforts to raise awareness were being made throughout the world, to such a point that it could be termed a genuine mobilization for development, the problems were worsening, the gap was growing, and the ruin of ever-increasing sectors of the traditional economy was forcing the masses to live in shanty towns. Perhaps too little political thought had been given to the subject. Financial technique and economic proposals were no substitute for the assumption of a genuine political responsibility.

46. To respond to those who criticized the very concept of the right to development in the name of Locke's principles of liberalism and claimed that it was sufficient to reproduce the work-and-freedom approach of the Pilgrim Fathers, it was quite instructive to look into the past of the West. In fact, the development of the United States of America had been of a colonial type and had had the benefit of huge transfers of working people, first from Africa, then, in the nineteenth century, from Europe. The other two Powers that had been a symbol of development, imperial Germany and Japan in the Meiji era, were not very representative of John Locke's philosophy of liberalism.

47. Although the current period was quite different in every way, the concept of transfer had remained topical. Currently, instead of transfers of labour, resources, etc., from the more developed to the less developed countries, the opposite was happening, quite paradoxically: a very high portion of material resources (agricultural and mining raw materials) were sold at very low prices by the poor countries, and financial resources were consumed by the reimbursement of the external debt. Such injustice ran a serious risk of provoking much more serious rebellions than that of the North American colonists against the rise in the tax on tea. That was why the Movement against Racism and for Friendship among Peoples, together with a large number of other organizations, demanded the cancellation of the debt, not as a miracle cure, but because it could give the signal for a complete change of policy.

48. Sooner or later, thinking would have to be in terms of genuine transfers, i.e. no longer in terms of aid to the poor, but in terms of real solidarity. It was for the experts to look into which transfers were advisable and which measures should be taken as a matter of priority. But the political decision did not lie with them, especially as such a reversal would not fail to have an impact on the lifestyles of the privileged classes in the wealthy countries.

The Movement against Racism and for Friendship among Peoples, like ATD Fourth World, believed that it was urgent to realize that the growing poverty throughout the world was not a marginal, but a structural, phenomenon, and that the causes of underdevelopment must be tackled before it was too late.

49. Mr. KHOURI (Union of Arab Jurists) stated that the achievement of the objectives of the Charter of the United Nations required a search for peaceful solutions to international problems in order to guarantee all peoples their legitimate rights, including their right to self-determination and to development, for it was the growing inequality of the distribution of income among and inside States that was the source of very serious human rights violations. However, the Gulf crisis had not been settled through peaceful means but through a war, unleashed at the instigation of the United States, which was seeking to extend its domination over most of the countries in the region, that had brought about a further deterioration in human rights. The United States and its allies had gone well beyond the resolutions adopted by the Security Council, which provided for the use of force solely to oust Iraq from Kuwait; the allies had in fact attempted to destroy Iraq's capacity for survival. For days on end, they had dropped thousands of bombs that had destroyed the country's entire infrastructure and killed or wounded thousands of people. Iraq, a civilized country with a rich culture, which had begun a development process, had suddenly found itself thrown several centuries back. After the war, the situation of the Iraqi people had been aggravated by the continuation of the economic and food blockade against Iraq. The representative of the Secretary-General, who had visited Iraq in 1991, had seen for himself the suffering endured by the Iraqi people. Since the imposition of the blockade, the infant mortality rate had increased by 400 per cent and the per capita calorie intake was half the minimum set by WHO. Despite that alarming information, the United States was continuing to oppose the lifting of sanctions against Iraq, thus depriving the Iraqi people of its economic, social and cultural rights and its right to development.

50. The Union of Arab Jurists urged the Commission to demand that the embargo against Iraq should be lifted, that assistance should be given to the Iraqi people and that Iraq should be compensated for the damage it had sustained as a result of the non-observance by the United States and its allies of the Security Council resolutions and the Charter of the United Nations. In doing so the Commission would be demonstrating its solidarity with the Iraqi people and its sense of responsibility, in conformity with its mandate and its mission.

51. Mrs. SLESZYNSKA (Christian Democratic International) said that the problem of the developing countries' external debt was one of Christian Democratic International's main concerns, for it was an obstacle to economic recovery and a cause of political instabililty in those countries. The Organización Demócrata Cristiana de América (ODCA) had noted in a resolution adopted at Caracas (Venezuela) on 1 February that the deterioration of the economic situation of the Latin American countries was due to the external debt, which had risen to $428,636 billion in 1990, calling into question the legality of the debt reimbursement. Thus ODCA had decided to apply to the United Nations and ask the International Court of Justice to rule on that question. Christian Democratic International endorsed ODCA's concerns and

appealed to all creditor countries to give the developing countries of Latin America, Asia and Africa preferential treatment and even grant them new loans in order to revive their economy, as some industrialized countries with a comprehensive and not merely economic vision of the problem had already done. Similar treatment should be given to the European countries that had recently freed themselves from communism. However, the developing countries themselves must also take measures to improve their economies, eliminate corruption and prevent the drain of capital abroad. To that end, they must reduce their military spending and their spending on prestige projects ill-adapted to their capacities or market demand, and reform their tax systems in order to recover part of the country's resources, currently concentrated in the hands of a few to the detriment of the majority.

52. There was no doubt that achievement of the right to development would require greater efforts by the industrialized countries. However, it must not be forgotten that that right was in no way limited to the right of the less wealthy States to receive aid from the prosperous States; it was also the right of peoples to demand from their leaders better management of the country's resources and an equitable distribution of the national wealth. Efficient and honest management aimed at intensive and rational use of the country's resources, together with a strict fiscal system and social measures, was the only way to create trust inside the country and give more credibility and legitimacy to appeals for greater international solidarity.

53. Mr. DIENG (International Commission of Jurists) noted that, despite the adoption of the Declaration on the Right to Development and the establishment of the Committee on Economic, Social and Cultural Rights, the effective enjoyment of economic, social and cultural rights, especially in the countries of the South, was still a dream. The polarization of the world was intensifying, with its trail of misfortunes affecting the impoverished masses and, at a time when there might finally be a hope that mankind would be safe from nuclear destruction, the explosion of the "P" bomb - "P" for poverty - in the words of Dom Helder Camara, was tragically imminent. But as the Irish poet Yeats had said, too long a sacrifice can turn the heart to stone, and that should not be forgotten.

54. In recent years, the Commission had adopted pertinent resolutions on important issues for the peoples of the South such as external debt, adjustment policies and the right to own property. Efforts had also been made in some places to overcome the selfishness of the wealthy States, although that selfishness should not be used to cover up the responsibility of the poor States, whose élites held a monopoly on power to the detriment of the disadvantaged, who were demanding broader participation in the management of public affairs. The concept of the rule of law, or lawfulness, must be invoked not only to protect and enhance the civil and political rights of the individual in a free society but also to ensure an improvement in the conditions of social, economic and cultural life, in order to make possible the achievement of those aspirations. Thus those who lived under a regime of freedom protected by the law should use that freedom to eliminate every actual or potential source of injustice, de jure and de facto. For that reason, the International Commission of Jurists had decided to combat the fraudulent enrichment of government officials at the expense of the public. The commitment to such a struggle was in itself a contribution to reducing

obstacles to the effective enjoyment of economic, social and cultural rights and participating in the strengthening of democracy at the planetary level. But such a struggle could not be won without the full solidarity of the international community and its determination to put a stop to the pillaging of weak economies, which brought about poverty, hunger and despair.

55. The peoples of Africa, Asia and Latin America, who had overthrown their corrupt regimes under the banner of human rights, now expected the Commission to decide to look into the question of the fraudulent enrichment of State officials at the public's expense, which had already given rise to a draft resolution of the Sub-Commission which the Commission had before it. It was a well-known fact that considerable sums, which could have helped build schools and hospitals or create jobs and properly equip court-houses, had been deposited by leaders of the South in Western banks with the banks' complicity. The International Commission of Jurists hoped that a system of mutual legal aid would come into being in order to force the banks to take prompt action on the demands that the funds extorted from the people by their leaders be returned. The elaboration of an international convention on mutual legal aid might even be considered, for as long as poverty, ignorance and inequality persisted, guaranteeing civil and political rights would far from satisfy the dignity of the human person.

56. Ms. BLOCH (Minority Rights Group) drew the Commission's attention to the situation in Bangladesh, a State with a new democratic civilian Government, which needed help from the international community to guarantee democracy and protect its minorities. In that country, the Adivasi minority, in particular the Adivasis of the Chittagong Hill Tract, had been discriminated against in all fields for years. The Government's refusal to grant the Adivasis autonomy had caused an armed conflict that had been continuing for several years, which would be easily settled if the Adivasis of the Chittagong Hill Tract were given some measure of autonomy, land was reserved for their exclusive use and the militarization of the area was reversed.

57. The Minority Rights Group was also concerned by another conflict that was not violent but social and economic, between the Bangladeshi authorities and the Adivasis of the plains. The Adivasis had lived an unrestricted existence on most of their traditional territories until the late 1960s, when Bengalis had begun to settle on their lands under a property law allowing the military Government to take land and property from non-nationals, which it had used to take away the Adivasis' lands. The new Bangladeshi Government should correct that social and economic injustice by repealing the law and returning the Adivasis' lands. Furthermore, since Bangladesh was a poor country, it was essential to protect its few natural resources, in particular the forests where the Adivasis lived; specifically, no further rubber plantations should be allowed in the Madhupur forest.

58. The Minority Rights Group invited international donors to help the Bangladeshi Government implement new programmes that respected the Adivasis' environment and rights and involved them in development programmes on their traditional lands. It was convinced that such social and economic support to Bangladesh's development would help consolidate its new democracy in a constructive and practical way.

59. Mr. ZINSOU (Pax Romana) said that the objective of promoting better standards of life in larger freedom set forth in the Charter of the United Nations was applicable at both the national and international levels and involved a very specific obligation, that of social justice. That objective was far from attained, however, since most peoples on the planet were not able to exercise their economic, social and cultural rights or their right to development, despite the fact that those rights were recognized in various international human rights instruments. The debt crisis, the deterioration of the terms of trade, monetary instability, inequalities in international economic relations, unemployment and the rise in poverty were so many factors of political disturbance and instability that jeopardized the developing countries' efforts to revive their economies and promote human rights and democracy. In its most recent report, the World Bank assessed the developing countries' debt at $1,350 billion and noted that the level of indebtedness remained too high in many countries with low or moderate incomes. Africa in particular was still the most highly indebted part of the world in comparison with its gross domestic product, and its situation risked deteriorating even further owing to new loans contracted with public creditors, the rescheduling of interest and low export earnings, 22 per cent of which were absorbed by debt servicing.

60. Pax Romana would hope to see attention given to the social dimension of development, which was crucial for the poor countries, in the implementation of structural adjustment programmes. The development of human resources, education and social services and the advancement of women and vulnerable groups were factors required for the achievement of human rights. Development strategies should also be determined by peoples themselves and adapted to their situation and specific needs and should reconcile traditional values with modern management. However, international cooperation was still needed, in the interest of the development and well-being of mankind.

61. Mr. WAREHAM (International Association against Torture) stressed that development was not simply a goal to be pursued, but a full human right on the same basis as the other political, civil, economic, social and cultural rights which it was the Commission's mandate to uphold. At a time when the world was preparing to celebrate the five hundredth anniversary of the discovery of America, the following question might be asked: if all men were created equal, why were there so many inequalities in the modern world and why was the right to development denied to millions of Africans, and to indigenous peoples and Latinos, not only in the United States but throughout the Americas? Those questions could only be answered by taking a hard look at the "new world order".

62. In all its statements on the question of the right to development, the United States delegation had drawn a parallel between the failure of socialism, owing to its violation of human rights, and the protection of human rights that lay at the foundation of "development" in the United States. But what had that protection meant for the descendants of the black slaves, whose exploitation had been the very foundation of United States development? Statistics showed that the blacks belonged to the poorest and most disadvantaged segments of the population in all areas. Thus the infant mortality rate for black babies was more than twice that of whites, and black children did not have the same educational opportunities as

white children. In addition, the blacks had the highest unemployment rate, and of the 400 wealthiest people in the United States, there was only one black person. Blacks in the United States were the victims of a racism that had made them a de facto underdeveloped nation, with the same interests and characteristics of a country of the "South". Clearly the United States was far from being the country of liberty and human rights it claimed to be.

63. At the international level, the United States' policy also left much to be desired. It claimed that every country should be free to choose the economic or political system of its preference, but as soon as a country chose a system - e.g. socialism - that did not suit the United States, it was subjected to economic sanctions and threats of military intervention, as in the cases of Cuba, the Democratic People's Republic of Korea and China, acts which, if carried out by a State against a citizen, would unquestionably be human rights violations. There were no guarantees of protection even for those countries that had "freely" chosen the capitalist path, for the United States created and maintained underdevelopment in the same way internationally as it did in its own territory. The objective of that policy, carried out either bilaterally or through agencies like the IMF or the World Bank, was a monopoly of control, expropriation of wealth and maintenance of dependence.

64. Structural adjustment had become the vehicle for carrying out that policy of economic recolonization which resulted in a near-total surrender of the recipient States' sovereignty, for in order to receive the funds they needed, they had to agree to cut essential social services in order to pay back an onerous external debt. In his report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17), the Special Rapporteur, Mr. Türk, noted that poverty had not declined in absolute terms since the initiation of adjustment and in fact had worsened in many cases. There was no doubt that such structural adjustment programmes caused a deterioration in the situation of the peoples of Africa, Latin America and, to a lesser degree, Asia, in the areas of employment, income, food, health and education.

65. As far as the United States was concerned, it was clear that its development had been and remained the direct result of racism, domination and the forced underdevelopment of other peoples and other nations. Under those circumstances, it could not be hoped that the United States would recognize that development was a right, for to do so would be tantamount to admitting its guilt before the Commission. Thus the International Association against Torture joined all the countries of the South that condemned the new world order which was threatening their survival. Another of its representatives, Mr. Alvarado, would now speak on the situation of indigenous peoples in Guatemala, a country supported by the United States.

66. Mr. ALVARADO (International Association against Torture) said it was the indigenous populations in Guatemala that suffered the most from the devastating effect of the economic policies applied by both the international financial agencies and the national authorities. Successive Governments, whether civilian or military, had promised not only to end the human rights violations in the country but also to resolve the problems of the people, most of whom lived in conditions of extreme poverty, exploitation, marginalization

and discrimination. They had never kept their promises, however: on the contrary, they had pursued a policy that had led to inflation, unemployment and a deterioration in education, health, housing and safety. The establishment of civilian self-defence patrols in fact led to the impoverishment of families, especially in rural areas, since indigenous people were forcibly enrolled and not paid. Thus such patrols were not only a violation of the right of freedom of movement and assembly but also of the right to development, and the International Association against Torture associated itself with all those who were demanding their elimination.

67. The Association was also concerned at the regional economic unification policy, which did not take peoples' interests into account and thus did not foster their development and which distracted the international community's attention from the flagrant human rights violations committed in certain countries such as Guatemala, which not only failed to respect its commitments under the international instruments it had ratified but also reinforced the impunity of those responsible for human rights violations. The countries that accepted such a situation were endangering the lives of millions of people throughout the world, who not only suffered from hunger but were also the victims of a policy of repression on the part of their leaders. The Association wished to repeat that there could be no genuine development without democracy and full respect for human rights and fundamental freedoms.

68. Mr. TEITELBAUM (American Association of Jurists) said that the deceptively optimistic forecasts of the International Monetary Fund (IMF), which had announced a 2.8 per cent rise in economic growth for 1992 at its previous annual meeting, fooled no one, not only because the actual situation was quite different but because IMF was in the habit of falsifying statistics, as one of its officials had admitted, in order to justify its devastating structural adjustment policies. IMF was also trying to give the impression that it cared about the social consequences of adjustment policies, when many third world countries were regressing in the area of social protection owing chiefly to the adoption of measures for returning State health insurance schemes to private hands, which left the most vulnerable groups of the population defenceless and which had been approved by IMF. World economic decisions, which were taken by a handful of wealthy countries and were implemented by IMF and the World Bank in particular, benefited only a small corrupt social élite while seriously harming the vast majority of third world populations, stricken by hunger, unemployment and illiteracy. That situation was not a natural phenomenon but the result of a deliberate policy which had its framers, its beneficiaries and its victims.

69. There was no point in speaking of the generosity of the European Community countries, which had announced that they would grant 69 third world countries debt relief, for the European Commission itself had said that the amount of the reduction would be insufficient. Everyone knew that debt was a way for creditor countries to dominate debtor countries. As for IMF's "recommendations" to the indebted countries for reimbursing their debts, they furthered the interests of the transnational economic powers but not those of the developing countries, and the Uruguay Round negotiations currently taking place in GATT had turned into a dispute between the European Community and the United States with the third world countries as

silent onlookers. Such was the actual situation of the right to development, recognized in numerous international instruments that were no match for economic power.

70. In the opinion of the American Association of Jurists, it was for the Commission to elaborate instruments providing sanctions in cases of violation of the right to development, for it was time to end the impunity enjoyed by those responsible for violations of economic, social and cultural rights. In the first place, the General Assembly should categorize as international offences practices and policies followed by States, institutions and individuals which hindered the realization of the right to development and to social progress, such as the misuse of international financial mechanisms to obtain concessions or disproportionate advantages at the expense of third parties. The General Assembly, the Economic and Social Council and specialized bodies such as UNCTAD should fulfil their responsibilities regarding the achievement of the international economic and social cooperation objectives set out in Articles 55 et seq. of the Charter of the United Nations. The Economic and Social Council in particular should recover the role attributed to it by the Charter of the United Nations in formulating a coherent world economic policy. It was also clear that, in practice, IMF and the World Bank acted more as independent financial agencies than as United Nations specialized agencies under the agreements by which they had been established.

71. Thus the American Association of Jurists would suggest that the Commission on Human Rights prepare, for submission to the General Assembly, a draft making certain economic and financial practices and policies that undermined the right to development and to social progress international offences and recommend that the Economic and Social Council, which was so empowered, should request an advisory opinion from the International Court of Justice as to whether, in practice, the agreements and relations between the United Nations and IMF and the World Bank as specialized agencies were in conformity with the Charter of the United Nations and whether the practice and policies of the World Bank and IMF were in keeping with the purposes for which they had been established according to their Statutes, the Charter of the United Nations and other international instruments. The Commission might also consider ways of expanding the role of the Economic and Social Council and the General Assembly in world economic affairs and in the monitoring of their development and finally study and propose changes in IMF and World Bank decision-making machinery in order to increase participation of the countries of the South in such decisions and thus adapt both agencies to current world realities.

72. Mr. EYA NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that in order to organize the fight against poverty, it was necessary first to define poverty and its causes. There were two kinds of poverty: poverty of the spirit and material poverty. Poverty of the spirit was the result of cultural alienation or forced acculturation. It typified all those who practised colonialism in their own countries, who refused to see reality and prevented the members of their own society from freely giving their opinion on the major questions arising in the contemporary world. Material poverty could be induced or non-induced. Induced poverty might be

due to natural disasters such as earthquakes, cyclones, desertification or volcanic eruptions, but it could also be the result of colonization, the introduction of unjust political systems such as apartheid, the economic exploitation of a country by national or transnational companies or the excessive automation of companies, which cost workers in the industrialized countries their jobs. Non-induced material poverty might be the result of poor management of public or private assets or of accidents in the workplace, on the road or in athletic events.

73. Once poverty was defined, it had to be decided what attitude to adopt towards the poor, throughout the world. The best way of helping them was to give them the means of resolving their own problems. Too often the poor were taken to be persons incapable of making specific proposals concerning development projects. Paternalism, which was one of the manifestations of racism, must be avoided at all costs. As the President of Haiti, Jean-Bertrand Aristide, had said, "one man's hunger is all men's hunger; one man's suffering is all men's suffering". Thus fighting poverty or hunger throughout the world meant making a pledge towards human beings in general and demanding the right of all members of all human societies to participate fully in the public and private affairs of their country, for participation must be the driving force behind political, economic, social and cultural progress. Only popular participation kept a society on the alert and thus contributed to national unity, for in the words of the philosopher Heraclitus of Ephesus, "Awakened men live in a single world, but dozing men each live in a different world".

74. The struggle against poverty throughout the world must take into account the power relations between North and South, East and West and within each State, and of the self-serving relations among the members of the community of nations. The International Movement for Fraternal Union among Races and Peoples wished to repeat that development was not possible without popular participation and that development was the product of a merging of economic, social and cultural rights with civil and political rights.

75. Ms. GUZMAN (Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM)), speaking on agenda item 15, noted that the few institutional and political changes that had occurred in Colombia in 1991, which the Colombian Government had presented as a new and positive stage in the life of the country, had unfortunately not ended the political violence and systematic human rights violations in the country. It was true that the new Constitution, which had entered into force on 5 July 1991, guaranteed all the individual and collective rights set forth in the international human rights instruments and that it explicitly prohibited enforced disappearances, which represented substantial progress over the old Constitution, but it also strengthened the powers of the police and armed forces. Such provisions could not fail to raise FEDEFAM's concern, as did the fact that emergency laws originally enacted to fight the drug traffic, but used as instruments of repression against the people, had become permanent laws. Although they were not the only ones, State workers were the main instigators or culprits, by action or omission, in a good number of the human rights violations committed in Colombia. The extent of those violations and their persistence throughout Colombian territory showed that they were part of the struggle against "terrorism and subversion" being waged by the Government, whose main victims

were the peasants in the areas in question, workers, trade union leaders, defenders of human rights, students and members of opposition social movements or political parties. Thus they were not isolated acts but took place in the context of State security, which allowed the authorities to justify and legitimize extralegal acts.

76. FEDEFAM wished to make it clear that it was criticizing Colombia in a constructive spirit, to ensure that the rights set forth in the International Covenant on Civil and Political Rights would be better respected in that country. The Association of Colombian Families of Disappeared Detainees had participated actively in the Constituent Assembly, where it had made suggestions concerning human rights monitoring in Colombia and had also asked the Colombian Government and the leaders of the "Simon Bolívar" guerrilla group to make sure that respect for human rights, an end to the "dirty war" and the protection of the civilian population would be among the questions considered as part of the process of negotiation and dialogue.

77. Mr. de BRITO CRUZ (Brazil), speaking in exercise of the right of reply, informed the representative of the International Federation of Human Rights, who had referred to the possible negative effects of violence in rural areas on the realization of the right to development in Brazil, that information regarding some of the cases mentioned had already been transmitted by the Brazilian Government to special rapporteurs and was available in documents before the Commission. The Council for the Defence of Human Rights of Brazil had established a special commission on the question of rural violence, which had been holding regular meetings since December 1991 and which included representatives of non-governmental organizations linked to different sectors of the society, such as the Brazilian Bar Association, the Catholic Church, rural trade unions and business associations. Violence in rural areas stemmed from disputes concerning land ownership and social and economic relations. The representative of the International Federation of Human Rights was right to link that question to the realization of the right to development, for development did not achieve its full meaning unless it was accompanied by increased respect for the rights of individuals and an increased sense of security for all. However, the solution of the economic and social problems in which violence was rooted was essential for the permanent and effective guarantee of the basic rights of all citizens.

78. The problems described by the International Federation of Human Rights had been intensively discussed by the Brazilian public. The Brazilian Government was committed, at the highest level, to continue to work towards improving law enforcement and judicial treatment of individual cases, as well as towards a comprehensive solution to the underlying causes of those problems. It was convinced that the proper functioning of its democratic and pluralistic institutions, in an atmosphere of complete openness and unrestricted freedom of speech that enabled interested parties such as the International Federation of Human Rights to make their valuable contribution, was the key to overcoming problems which it sought not to deny but to solve.

The meeting rose at 9 p.m.